

ENVIRONMENTAL PROTECTION COMMISSION[567]

Amended Notice of Intended Action

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission hereby amends the Notice of Intended Action published in the November 19, 2008, Iowa Administrative Bulletin as **ARC 7368B** to revise the “Iowa Antidegradation Implementation Procedure” proposed to be incorporated by reference in 567—paragraph 61.2(2)“e.”

The revisions modify the listings in “Appendix B – Outstanding Iowa Waters.” Several of the proposed creeks have been removed based on a scientific review of existing water quality conditions that do not meet the proposed criteria for Outstanding Iowa Waters at this time and the potential adverse regulatory impacts. In addition, several new creeks have been added based on a scientific review of existing water quality conditions that do meet the proposed criteria for Outstanding Iowa Waters.

The Amended Notice of Intended Action also removes Dalton Lake, listed in Appendix B as an Outstanding Iowa Water. The Commission invites further discussion and comments to determine which Iowa lakes, if any, should be designated as Outstanding Iowa Waters in the Adopted and Filed rule making. The Commission is specifically requesting information for inclusion or exclusion of any of the Iowa Great Lakes.

As a result of the revisions, persons are invited to present oral or written comments at three public hearings which will be held as follows:

September 1, 2009	11 a.m.	Elkader Opera House 207 N. Main Street Elkader, Iowa
September 1, 2009	6 p.m.	Northeast Iowa Community College - Waukon Room 115 1220 3rd Avenue, Suite 102 Waukon, Iowa
September 3, 2009	6 p.m.	Iowa Lakeside Laboratory Mahan Building 1838 Highway 86 Milford, Iowa

Detailed information regarding Iowa’s water quality standards and the Department’s rules, including the full version of the “Iowa Antidegradation Implementation Procedure,” can be found on the Department’s Web site at <http://www.iowadnr.com/water/standards/index.html>.

Any person may submit written suggestions or comments on the proposed amendments through September 15, 2009. Such written material may be submitted to Adam Schnieders, Iowa Department of Natural Resources, Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319-0034; fax (515)281-8895; or by E-mail to adam.schnieders@dnr.iowa.gov. Persons who have questions may contact Adam Schnieders at (515)281-7409.

The proposed revisions change the listings in “Appendix B – Outstanding Iowa Waters” as follows:

Appendix B – Outstanding Iowa Waters

<u>STREAMS</u>	<u>DESCRIPTION</u>	<u>Length (Miles)</u>
Baron Springs	Mouth (S2, T91N, R6W, Clayton Co.) to spring source (S4, T91N, R6W, Clayton Co.)	1.99
Bear Creek	From road crossing in SW1/4, NW1/4, S11, T86N, R10W, Benton Co. to E. line of S25, T87N, R10W, Buchanan Co.	5.2
Bear Creek	Confluence with N. Bear Cr. (S25, T100N, R7W, Winneshiek Co.) to spring source (Mestad Spring) (S29, T100N, R7W, Winneshiek Co.)	4.97

<u>STREAMS</u>	<u>DESCRIPTION</u>	<u>Length (Miles)</u>
<u>Bear Creek</u>	<u>Mouth (S8, T92N, R7W, Fayette Co.) to W. line of S6, T92N, R7W, Fayette Co.</u>	<u>3.94</u>
<u>Bohemian Creek</u>	<u>Mouth (Winneshiek Co.) to Howard Co. Rd. V58 (W. line of S2, T97N, R11W, Howard Co.)</u>	<u>12.58</u>
<u>Bloody Run</u>	<u>From W. line of S22, T95N, R4W, Clayton Co. to confluence with Unnamed Creek (NAD83) UTM Coordinates X(Easting) 645284.89 Y(Northing) 4766657.44</u>	<u>8.59</u>
<u>Brownfield Creek</u>	<u>Mouth (Clayton Co.) to spring source (S31, T91N, R3W, Clayton Co.)</u>	<u>0.94</u>
<u>Brush Creek</u>	<u>N. line of S23, T85N, R3E, Jackson Co. to N. line of S1, T85N, R3E, Jackson Co.</u>	<u>5.82</u>
<u>Buck Creek</u>	<u>Mouth (S29, T93N, R2W, Clayton Co.) to W. line of S9, T93N, R3W, Clayton Co.</u>	<u>13.26</u>
<u>Canoe Creek</u>	<u>Winneshiek Co. Rd. W38 to W. line of Section 8, T99N, R8W, Winneshiek Co.</u>	<u>7.34</u>
<u>Clear Creek</u>	<u>Mouth (Allamakee Co.) to W. line of S25, T99N, R4W, Allamakee Co.</u>	<u>3.79</u>
<u>Coon Creek</u>	<u>Mouth (Winneshiek Co.) to rd. crossing in S13, T98N, R7W, Winneshiek Co.</u>	<u>3.22</u>
<u>Deer Creek</u>	<u>E. line of S1, T100N, R19W, Worth Co. to road crossing in SE1/4, S35, T100N, R19W, Worth Co.</u>	<u>1.6</u>
<u>Dousman Creek</u>	<u>Mouth (S33, T96N, R3W, Allamakee Co.) to Allamakee-Clayton Co. line</u>	<u>3.44</u>
<u>Duck Creek</u>	<u>Mouth (S14, T100N, R6W, Allamakee Co.) to Iowa-Minnesota state line</u>	<u>1.98</u>
<u>Ensign Creek (aka Ensign Hollow)</u>	<u>Mouth (S28, T92N, R6W, Clayton Co.) to spring source (S29, T92N, R6W, Clayton Co.)</u>	<u>1.05</u>
<u>Fenchel Creek (a.k.a. Richmond Springs)</u>	<u>Mouth (S5, T90N, R6W, Delaware Co.) to Richmond Springs (Center of S4, T90N, R6W, Delaware Co.)</u>	<u>1.26</u>
<u>Fountain Spring Creek (aka Odell Br.)</u>	<u>Mouth (SE1/4, S10, T90N, R4W, Delaware Co.) to W. line of NW1/4, S16, T90N, R4W, Delaware Co.</u>	<u>2.82</u>
<u>French Creek</u>	<u>Mouth (Allamakee Co.) to E. line of S23, T99N, R5W, Allamakee Co.</u>	<u>5.58</u>
<u>Grannis Creek</u>	<u>Mouth (S30, T95N, R7W, Fayette Co.) to W. line of S36, T93N, R8W, Fayette Co.</u>	<u>3.56</u>
<u>Hickory Creek</u>	<u>Mouth (Allamakee Co.) to S. line of S28, T96N, R5W, Allamakee Co.</u>	<u>3.24</u>
<u>Jones Creek</u>	<u>Mouth (S19, T98N, R4W, Allamakee Co.) to bridge crossing at Clonkitty Rd. (S14, T98N, R5W, Allamakee Co.)</u>	<u>5.75</u>
<u>Kleinlein Creek</u>	<u>Mouth (Clayton Co.) to spring source (South Spring) (S10, T91N, R6W, Clayton Co.)</u>	<u>3.96</u>
<u>Lime Creek</u>	<u>From confluence with unnamed tributary in NE1/4, NW1/4, S34, T87N, R10W, Buchanan Co. to N. line of S23, T87N, R10W, Buchanan Co.</u>	<u>3.0</u>
<u>Little Mill Creek</u>	<u>Mouth (Jackson Co.) to W. line of S29, T86N, R4E, Jackson Co.</u>	<u>6.74</u>
<u>Little Paint Creek</u>	<u>Mouth to N. line of S30, T97N, R3W</u>	<u>1.92</u>
<u>Little Turkey River</u>	<u>Clayton-Delaware Co. line to S. line of S11, T90N, R3W, Delaware Co.</u>	<u>3.25</u>
<u>Ludlow Creek</u>	<u>Mouth (S2, T96N, R6W, Allamakee Co.) to confluence with an unnamed tributary (S33, T97N, R6W, Allamakee Co.)</u>	<u>2.00</u>
<u>Maquoketa River</u>	<u>Confluence with South Fork Maquoketa River (S16, T90N, R6W, Delaware Co.) to Hwy 3 (N. Line S24, T91N, R7W, Fayette Co.)</u>	<u>8.61</u>
<u>Middle Fork Little Maquoketa River</u>	<u>W. line of S31, T90N, R1E, Dubuque Co. to N. line of S33, T90N, R1W, Dubuque Co.</u>	<u>4.94</u>
<u>Mill Creek (aka Big Mill Creek)</u>	<u>Confluence with Little Mill Cr. to confluence with Unnamed Cr. (S1, T86N, R3E, Jackson Co.)</u>	<u>8.04</u>
<u>Mink Creek</u>	<u>Mouth (S30, T93N, R6W, Clayton Co.) to W. line of S15, T93N, R7W, Fayette Co.</u>	<u>5.94</u>

<u>STREAMS</u>	<u>DESCRIPTION</u>	<u>Length (Miles)</u>
<u>Mossey Glen Creek</u>	Mouth (S3, T91N, R5W, Clayton Co.) to S. line of S10, T91N, R5W, Clayton Co.	<u>1.96</u>
<u>Nichols Creek (aka Bigalk Cr.)</u>	Mouth (S18, T100N, R10W, Winneshiek Co.) to W. line of S23, T100N, R11W, Howard Co.	4.18
North Bear Creek	Mouth (S25, T100N, R7W, Winneshiek Co.) to Iowa-Minnesota state line	6.39
<u>North Cedar Creek</u>	Mouth (S8, T94N, R3W, Clayton Co.) to W. line of S24, T94N, R4W, Clayton Co.	4.62
<u>Otter Creek</u>	Mouth (Fayette Co.) to confluence with Unnamed Cr. (a.k.a. Glovers Cr., S22, T94N, R8W, Fayette Co.)	10.89
<u>Paint Creek</u>	Little Paint Cr. to Rd. crossing, S18, T97N, R4W, Allamakee Co.	12.37
<u>Patterson Creek</u>	Mouth (Allamakee Co.) to E. line of S3, T98N, R6W, Allamakee Co.	4.85
<u>Pine Creek (aka South Pine Creek)</u>	Mouth (S26, T99N, R7W, Winneshiek Co.) to N. line of S21, T99N, R7W, Winneshiek Co.	<u>2.80</u>
<u>Ram Hollow</u>	Mouth (S11, T90N, R3W, Clayton Co.) to spring source (S10, T90N, R3W, Delaware Co.)	0.66
<u>Silver Creek</u>	Mouth (S4, T99N, R5W, Allamakee Co.) to S. line of S31, T99N, R5W, Allamakee Co.	8.31
Smith Creek (aka Trout River)	Mouth (S21, T98N, R7W, Winneshiek Co.) to S. line of S33, T98N, R7W, Winneshiek Co.	3.42
<u>South Canoe Creek</u>	Mouth (S22, T99N, R8W, Winneshiek Co.) to bridge crossing at Winn Rd. (S21, T99N, R8W, Winneshiek Co.)	<u>1.90</u>
<u>Sny Magill Creek</u>	Mouth (S23, T94N, R3W, Clayton Co.) to W. line of S6, T94N, R3W, Clayton Co.)	7.57
Spring Branch Creek	Mouth (S10, T88N, R5W, Delaware Co.) to spring source (S35, T89N, R5W, Delaware Co.)	2.83
<u>Spring Creek</u>	Mouth (Mitchell Co.) to N. line of S8, T97N, R16W, Mitchell Co.	3.93
Storybook Hollow	Mouth (S7, T86N, R4E, Jackson Co.) to S. line of S12, T86N, R3E, Jackson Co.	1.37
<u>Trout Run</u>	Mouth (S16, T98N, R4W, Allamakee Co.) through one mile reach	<u>1.0</u>
<u>Turtle Creek</u>	Mouth (Mitchell Co.) to E. line of S7, T99, R17W, Mitchell Co.	3.45
Twin Springs Creek	Mouth (S17, T98N, R8W, Winneshiek Co.) to springs in Twin Springs Park (S20, T98N, R8W, Winneshiek Co.)	0.61
<u>Unnamed Creek</u>	Mouth (S1, T86N, R3E, Jackson Co.) to W. line of S1, T86N, R3E, Jackson Co.	0.73
Unnamed Creek (aka Cold Water Cr.)	Mouth (S32, T100N, R9W, Winneshiek Co.) to N. line of S31, T100N, R9W, Winneshiek Co.	2.46
<u>Unnamed Creek (aka Erickson Spring Branch)</u>	Mouth (S23, T98N, R4W, Allamakee Co.) to W. line of S23, T98N, R4W, Allamakee Co.	<u>0.91</u>
<u>Unnamed Creek (aka Glovers Cr.)</u>	Mouth (S22, T94N, R8W, Fayette Co.) to W. line of S15, T94N, R8W, Fayette Co.	1.43
Unnamed Creek (aka S. Fk. Big Mill)	Mouth (S8, T86N, R4E, Jackson Co.) to W. line of S17, T86N, R4E, Jackson Co.	0.97
<u>Unnamed Stream (aka Trout Run)</u>	Mouth (S27, T98N, R8W, Winneshiek Co.) to S. line of S27, T98N, R8W, Winneshiek Co.	0.54
Village Creek	Mouth (Allamakee Co.) to W. line of S19, T98N, R4W, Allamakee Co.	13.32
<u>Wapsipinicon River</u>	Confluence with UT in McIntire (S34, T100N, R15W Mitchell Co.) to N. line of (S20, T100N, R15W, Mitchell Co.)	5.24
Waterloo Creek	Mouth (S35, T100N, R6W, Allamakee Co.) to Iowa-Minnesota state line	9.39

<u>STREAMS</u>	<u>DESCRIPTION</u>	<u>Length (Miles)</u>
<u>West Branch French Creek</u>	Mouth (S23, T99N, R5W, Allamakee Co.) to confluence with Unnamed Creek (S26, T99N, R5W, Allamakee Co.)	<u>0.67</u>
Wexford Creek	Mouth (S5, T97N, R2W, Allamakee Co.) to W. line of S25, T98N, R3W, Allamakee Co.	4.42
<u>Grand Total</u>		336.96 <u>112.39 miles</u>

<u>LAKES</u>	<u>Description (Section, Township, Range)</u>	<u>Size (Acres)</u>
Big Spirit Lake SGMA	S33, T100N, R36W	5,684
East Okoboji Lake SGMA	S29, T99N, R36W	1,835
Lower Gar Lake SGMA	S32, T99N, R36W	251
Minnewashta Lake SGMA	S29, T99N, R36W	122
Upper Gar Lake SGMA	S29, T99N, R36W	36
West Okoboji Lake SGMA	S20, T99N, R36W	3,847
Dalton Lake	S34, T84N, R5E	2